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**ATTORNEYS FOR PLAINTIFF**  
**MICHEL KECK**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MICHEL KECK, on behalf of herself and  
others similarly situated,

Plaintiff,

v.

ALIBABA.COM, INC., et al.,

Defendants.

Case No. 5:17-cv-05672-BLF

**DECLARATION OF  
CHRISTOPHER S. RANDOLPH, JR.  
REGARDING EXHIBITS TO  
PLAINTIFF'S RESPONSE TO MOTION  
TO DISMISS**

**Trial Date:** October 4, 2021



I, Christopher S. Randolph, Jr., declare and state as follows:

1. I am a member of the Alabama bar. I am one of the attorneys representing Plaintiff Michel Keck in the above-styled civil action, and this Court has granted my pro hac vice application.

2. Attached as Exhibit 2 is a true and correct copy of the 2017 Out-of-Cycle Review of Notorious Markets, downloaded on May 6, 2018 from the U.S. Trade Representative's website, <https://ustr.gov/sites/default/files/files/Press/Reports/2017%20Notorious%20Markets%20List%201.11.18.pdf>

3. Attached as Exhibit 3 is a true and correct copy of certain pages from Alibaba Group Holding, Ltd. 20-F, dated June 15, 2017: the cover, pages i – iii, 56-60, 165; highlights in blue are referenced in Plaintiff's Response. The complete document was downloaded on May 6, 2018 from the U.S. Securities and Exchange Commission website, <https://www.sec.gov/Archives/edgar/data/1577552/000104746917004019/0001047469-17-004019-index.htm>

4. Attached as Exhibit 4 is a true and correct copy of a letter dated October 7, 2016, from Eric Pelletier of Alibaba Group to the Assistant United States Trade Representative for Intellectual Property and Innovation, downloaded on April 14, 2018 from <https://www.regulations.gov/document?D=USTR-2016-0013-0019>.

5. Attached as Exhibit 5 is a true and correct copy of the "Terms of Service" printed on April 14, 2018 from <http://www.alizila.com/terms-of-service/>.

6. Attached as Exhibit 6 is a true and correct copy of the Declaration of Use and/or Excusable Nonuse of Mark in Commerce under Section 8 for the Alizila trademark, downloaded on April 15, 2018 from the U.S. Patent and Trademark Office's website, <http://tsdr.uspto.gov/documentviewer?caseId=sn85068863&docId=S0820171024170705#docIndex=2&page=1>.

7. Attached as Exhibit 7 is a true and correct copy of the Alibaba Gateway '17 Agenda, printed on April 16, 2018 from <http://www.alizila.com/wp-content/uploads/2017/06/Gateway-Conference-Agenda-Handout.pdf?x95431>.

1           8.       Attached as Exhibit 8 is a true and correct copy of Taobao China Holding Ltd.'s  
2 Responses and Objections to Plaintiff's First Set of Requests for Admission (Nos. 1-37), served on  
3 April 24, 2018.

4           9.       Attached as Exhibit 9 is a true and correct copy of Taobao China Holding Ltd.'s  
5 Responses and Objections to Plaintiff's Requests for Admission to Taobao China Holding, Ltd.  
6 (Set Two), served on April 20, 2018.

7           10.      Attached as Exhibit 10 is a true and correct copy of a screenshot taken on April 15,  
8 2018, from [https://item.taobao.com/item.htm?spm=2013.1.w4023-](https://item.taobao.com/item.htm?spm=2013.1.w4023-16293593436.8.400b6849MYkXZb&id=558882953408)  
9 [16293593436.8.400b6849MYkXZb&id=558882953408](https://item.taobao.com/item.htm?spm=2013.1.w4023-16293593436.8.400b6849MYkXZb&id=558882953408).

10          11.      Attached as Exhibit 11 is a true and correct copy of the Declaration of Use and/or  
11 Excusable Nonuse of Mark in Commerce under Section 8 for the "Taobao" trademark,  
12 downloaded on May 1, 2018 from the U.S. Patent and Trademark Office's website,  
13 <http://tsdr.uspto.gov/documentviewer?caseId=sn85032223&docId=S0820180306172740#docIndex=2&page=1>.  
14

15          12.      Attached as Exhibit 12 is a true and correct copy of a document printed on May 5,  
16 2018, from [https://world.taobao.com/markets/all/logistics-](https://world.taobao.com/markets/all/logistics-mjax_cn?spm=a21bp.7844080.118806.4.39d864c9sbPHdO)  
17 [mjax\\_cn?spm=a21bp.7844080.118806.4.39d864c9sbPHdO](https://world.taobao.com/markets/all/logistics-mjax_cn?spm=a21bp.7844080.118806.4.39d864c9sbPHdO), as well as an English translation of  
18 that webpage provided by Google Chrome, also printed on May 5, 2018.

19          13.      Attached as Exhibit 13 is a true and correct copy of a document printed on May 5,  
20 2018 from [https://world.taobao.com/markets/all/2016\\_logistics?spm=a21wu.241046-](https://world.taobao.com/markets/all/2016_logistics?spm=a21wu.241046-us.6831350356.1.793356dbKVIdNQ&pos=1&acm=lb-zebra-241046-2077501.1003.1.1819840_3&scm=1003.1.lb-zebra-241046-2077501.OTHER_36609600_1819840)  
21 [us.6831350356.1.793356dbKVIdNQ&pos=1&acm=lb-zebra-241046-](https://world.taobao.com/markets/all/2016_logistics?spm=a21wu.241046-us.6831350356.1.793356dbKVIdNQ&pos=1&acm=lb-zebra-241046-2077501.1003.1.1819840_3&scm=1003.1.lb-zebra-241046-2077501.OTHER_36609600_1819840)  
22 [2077501.1003.1.1819840\\_3&scm=1003.1.lb-zebra-241046-](https://world.taobao.com/markets/all/2016_logistics?spm=a21wu.241046-us.6831350356.1.793356dbKVIdNQ&pos=1&acm=lb-zebra-241046-2077501.1003.1.1819840_3&scm=1003.1.lb-zebra-241046-2077501.OTHER_36609600_1819840)  
23 [2077501.OTHER\\_36609600\\_1819840](https://world.taobao.com/markets/all/2016_logistics?spm=a21wu.241046-us.6831350356.1.793356dbKVIdNQ&pos=1&acm=lb-zebra-241046-2077501.1003.1.1819840_3&scm=1003.1.lb-zebra-241046-2077501.OTHER_36609600_1819840), as well as an English translation of that webpage provided  
24 by Google Chrome, also printed on May 5, 2018.

25          14.      Attached as Exhibit 14 is a true and correct copy of an article titled "Alibaba  
26 Launches U.S. Merchants Network," printed on April 5, 2018 from  
27 <http://www.alizila.com/alibaba-launches-u-s-merchants-network/>.

28          15.      Attached as Exhibit 15 is a true and correct copy of a press release titled, "Alibaba

1 Group Appoints Matthew Bassiur as Head of Global Intellectual Property Enforcement,” printed  
2 on April 14, 2018 from <http://www.alibabagroup.com/en/news/article?news=p151221>.

3 16. Attached as Exhibit 16 is a true and correct copy, obtained from PACER, of the  
4 Declaration of Michael Lee in Support of Alibaba.com, Inc.’s Motion to Dismiss the Second  
5 Amended Complaint Pursuant to Rule 12(b)(2) filed at docket entry number 44-1 in Atmos  
6 Nation, LLC v. Alibaba Group Holding, Ltd., et al., No. 0:15-cv-62104 (S.D. Fla.).

7 17. Attached as Exhibit 17 is a true and correct copy of a screenshot taken on February  
8 28, 2018 from, <https://world.taobao.com/markets/all/sea/register>.

9 18. Attached as Exhibit 18 is a true and correct copy, obtained from PACER, of the  
10 Order Granting Motion to Dismiss, filed at docket entry number 105 in Atmos Nation, LLC v.  
11 Alibaba Group Holding, Ltd., et al., No. 0:15-cv-62104 (S.D. Fla.).

12 19. Attached as Exhibit 19 is a true and correct copy, obtained from PACER, of the  
13 Unopposed Motion for Leave to Intervene by Alibaba Group Holding, Ltd. and Alibaba.com  
14 Limited, filed at docket entry number 22 in Razor USA, LLC, et al. v. International Trade  
15 Commission, No. 17-2591 (Fed. Cir.).

16 20. Attached at Exhibit 20 is a true and correct copy of the Alibaba Intellectual  
17 Property Protection Platform User Agreement, printed on April 14, 2018 from  
18 <https://ipp.alibabagroup.com/agreement.htm>.

19 21. Attached as Exhibit 21 is a true and correct copy, obtained from PACER, of the  
20 Complaint filed at docket entry number 1 in Alibaba Group Holding, Ltd. v. Alibabacoin  
21 Foundation, et al., No. 1:18-cv-02897 (S.D.N.Y.).

22 22. Attached as Exhibit 22 is a true and correct copy of a screenshot taken on April 27,  
23 2018, from <http://www.alizila.com/video/u-s-entrepreneur-builds-brand-china-home/>.

24 23. Attached as Exhibit 23 is an enlarged image of a page included in Exhibit 6.

25 24. Attached as Exhibit 24 is a true and correct copy of the “Privacy Policy” printed on  
26 April 14, 2018 from <http://www.alibabagroup.com/en/global/privacy>.

27 25. Attached as Exhibit 25 is a true and correct copy of the “Our Offices” page printed  
28 on April 14, 2018 from <http://alibabagroup.com/en/contact/offices>.

1           26.     Attached as Exhibit 26 is a true and correct copy of a Lobbying Report dated July  
2 20, 2016 and downloaded on May 5, 2018 from the U.S. House of Representatives' website,  
3 <http://disclosures.house.gov/ld/ldxmlrelease/2016/Q2/300820080.xml>

4           27.     Attached as Exhibit 27 is a true and correct copy of a Lobbying Report dated  
5 February 19, 2016, and downloaded May 5, 2018 from the U.S. House of Representatives'  
6 website, <http://disclosures.house.gov/ld/ldxmlrelease/2016/RR/300786735.xml>

7           28.     Attached as Exhibit 28 is a true and correct copy of Taobao China Holding, Ltd.'s  
8 Supplemental Responses and Objections to Plaintiff's Interrogatories to Taobao China Holding,  
9 Ltd. (Set One), served April 24, 2018.

10          29.     Attached as Exhibit 29 is a true and correct copy of an Amended Statement by  
11 Foreign Corporation filed on July 31, 2017 and downloaded on May 6, 2018 from the California  
12 Secretary of State's website,  
13 <https://businesssearch.sos.ca.gov/Document/RetrievePDF?Id=03197862-22701536>

14          30.     Attached as Exhibit 30 is a true and correct copy of the redacted version of the  
15 Declaration of Ho Lok Che in Response to Plaintiff's Requests for Jurisdictional Discovery and in  
16 Lieu of Producing Documents, executed on April 26, 2018.

17          31.     Attached as Exhibit 31 is a true and correct copy of an article titled "Alibaba's Jack  
18 Ma Pledges to Create 1 Million U.S. Jobs in Meeting with Trump," printed on May 8, 2018 from  
19 <http://www.alizila.com/alibabas-jack-ma-pledges-to-create-u-s-jobs/>

20          32.     Attached as Exhibit 32 is a true and correct copy of a document printed on May 7,  
21 2018, from the U.S. Census Bureau's website,  
22 [https://factfinder.census.gov/rest/dnldController/deliver?\\_ts=543767961808](https://factfinder.census.gov/rest/dnldController/deliver?_ts=543767961808).

23  
24                 Executed the 11th day of May 2018 at Birmingham, Jefferson County, Alabama.

25                 FURTHER DECLARANT SAYETH NAUGHT.

26  
27                           
28                         CHRISTOPHER S. RANDOLPH, JR.